

**MEDICAL EXAMINING BOARD
MINUTES
MARCH 15, 2006**

PRESENT: Drs. Lief Erickson; Alfred Franger; Sujatha Kailas; Jack Lockhart; Daniel Miota; Ian Munro; Gene Musser; Sandra Osborn, Bhupinder Saini; and Virginia Heinemann (via telephone) and Martha Vukelich-Austin

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant and other DRL staff

GUESTS: Jeremy Levin, Wisconsin Medical Society; Lynn and Richard Wesolek

CALL TO ORDER

Bhupinder Saini called the meeting to order at 8:06 a.m. There was a quorum of 10 members present.

APPROVAL OF AGENDA

Additions to Agenda:

- Item C – DRL Press Release announcing disciplinary orders issued in February 2006
- Item C – Wisconsin Medical Society letter regarding needle electromyography
- Item E – MEB June 2004 Pain Treatment Motion
- Between Item F&G – Administrative Warning 02 MED 382
- Between Item I&J – Proposed Stipulation and Final Decision and Order in case number 04 MED 354, 05 MED 8/109/145/196
- Between Item I&J – Proposed Stipulation and Final Decision and Order in case number 04 MED 207
- Between Item I&J – Proposed Stipulation and Final Decision and Order in case number 05 MED 003
- Between Item J&K – Consideration of complaint 03 MED 123
- Item K – Letter from Gutglass, Erickson, Bonville, Seibel & Falkner regarding Jeffrey Manlove, MD, and a response letter from James E. Polewski, DOE
- Item L – E-mail from A. Hertsel Zackai requesting extension of time for payment of costs
- Between Item L&M – Order Accepting Surrender of the License in case 06 MED 040
- After Item Q - DOE case status reports

MOTION: Sandra Osborn moved, seconded by Lief Erickson, to approve the agenda with amendments. Motion carried unanimously.

(Ian Munro joined the meeting)

APPROVAL OF MINUTES OF FEBRUARY 15, 2006

Amendments To Minutes

- Add the word 'and' to the paragraph regarding the summary reports.
- Add a period to end of the motion regarding the Barbering and Cosmetology Rule Proposal.

MOTION: Alfred Franger moved, seconded by Martha Vukelich-Austin, to approve the February 15, 2006 minutes with corrections. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Georgia Knox Mode, MD

Attorney John R. Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of Georgia Knox Mode, MD.

Rassan M. Tarabein, MD

Attorney John R. Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of Rassan M. Tarabein, MD.

Donald F. Stonefeld, MD

Attorney John R. Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of Donald F. Stonefeld, MD.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

Jae Y. Shim, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Jae Y. Shim, MD – case advisor – Virginia Heinemann. Lynn Wesolek, mother of Luke Nelson, appeared before the Board.

Daniela S. Angeli, PA

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of Daniela S. Angeli, PA.

05 MED 003

Attorney Pamela Stach presented the Proposed Remedial Education Order in the matter of 05 MED 003.

Robert X. Williams, MD

Attorney Gil Luebke presented the order accepting surrender of the license in the matter of Robert X. Williams, III, MD.

Administrative Report

No report at today's meeting.

SCREENING PANEL REPORT

Ian Munro stated 29 screening cases were reviewed; 10 cases were opened, 18 were not opened and one 10-day letter was issued.

**SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

Appointment of board Legislative Liaison

Tom Ryan explained the duties of the liaison and the importance of Board expertise in following legislative proposals.

MOTION: Ian Munro moved, seconded by Sujatha Kailas, to appoint Gene Musser as the legislative liaison. Motion carried unanimously.

**SEVEN YEAR RULE CHANGE
RULE DRAFTING DISCUSSION**

Alfred Franger spoke in opposition to the change from a 7 year rule to a 10 year rule. Colleen Baird advised the Board of various requirements made by other states with regard to the passage of the required examinations. Sandra Osborn, Jack Lockhart and Sujatha Kailas will work with Ms. Baird in the preparation of a rule draft which will be brought back to the Board for review.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to adjourn to closed session pursuant to Wisconsin State statutes

29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Lief Erickson-yes; Alfred Franger-yes; Virginia Heinemann-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Daniel Miota-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Bhupinder Saini-yes, and Martha Vukelich-Austin-yes

Open Session recessed at 9:53 a.m.

RECONVENE TO OPEN SESSION

MOTION: Daniel Miota moved, seconded by Alfred Franger, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 11:38 a.m.

ADMINISTRATIVE WARNING

03 MED 278

MOTION: Gene Musser moved, seconded by Alfred Franger, to approve the administrative warning in the matter of 03 MED 278. Motion carried unanimously.

02 MED 382

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to approve the administrative warning in the matter of 02 MED 382. Motion carried unanimously. Lief Erickson left the room and did not participate in the discussion or vote. Daniel Miota abstained from the vote.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

GEORGIA KNOX MODE, MD

MOTION: Sandra Osborn moved, seconded by Sujatha Kailas, to accept the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Georgia Knox Mode, MD. Motion carried unanimously.

RASSAN M. TARABEIN, MD

MOTION: Sandra Osborn moved, seconded by Alfred Franger, to accept the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Rasan M. Tarabein, MD. Motion carried unanimously. Sujatha Kailas abstained.

DONALD F. STONEFELD, MD

MOTION: Ian Munro moved, seconded by Daniel Miota, to accept the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Donald F. Stonefeld, MD. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

JAE Y. SHIM, MD

MOTION: Lief Erickson moved, seconded by Daniel Miota, to accept the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Jae Y. Shim, MD. Motion carried unanimously.

DANIELA S. ANGELI, PA

MOTION: Alfred Franger moved, seconded by Sujatha Kailas, to reject the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Daniela S. Angeli, PA. Motion carried. Jack Lockhart and Ian Munro opposed.

REMEDIAL EDUCATION

05 MED 003

MOTION: Virginia Heinemann moved, seconded by Sandra Osborn, to accept the Remedial Education or Monitoring Order in the matter of case 05 MED 003. Motion carried unanimously.

DELIBERATION OF PROPOSED COMPLAINT

03 MED 202

MOTION: Alfred Franger moved, seconded by Martha Vukelich-Austin, in favor of a finding of probable cause to issue a complaint in the matter of disciplinary proceedings against Michael E. Zevitz, MD, case # 03 MED 202. Motion carried unanimously.

03 MED 123

MOTION: Sandra Osborn moved, seconded by Alfred Franger, in favor of a finding of probable cause to issue a complaint in the matter of disciplinary proceedings against Lawrence J. Frazin, MD, case #03 MED 123. Motion carried unanimously. Bhupinder Saini left the room and did not participate in the discussion and vote

DELIBERATION OF PROPOSED ORDER FIXING COSTS

JEFFREY C. MANLOVE, MD

MOTION: Daniel Miota moved, seconded by Alfred Franger, to adopt the order fixing costs in the matter of Jeffrey C. Manlove, MD. Motion carried unanimously. Lief Erickson left the room and did not participate in the discussion or vote. Ian Munro abstained.

A. HERTSEL ZACKAI, MD

MOTION: Sandra Osborn moved, seconded by Virginia Heinemann, to adopt the order fixing costs in the matter of A. Hertsel Zackai, MD, and allow payments to be made by installments and be paid in full by October 01, 2007. Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to allow Tom Ryan to sign the amended order on behalf of the Chair. Motion carried.

ORDER ACCEPTING SURRENDER OF LICENSE

06 MED 040

MOTION: Ian Munro moved, seconded by Lief Erickson, to accept the order to surrender the license in the matter of Robert X. Williams, III, MD case #06 MED 040. Motion carried unanimously.

DOE MONITORING

**THOMAS HOLBROOK, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Sandra Osborn moved, seconded by Alfred Franger, to grant the request for reinstatement for Thomas Holbrook, MD. Motion carried unanimously.

**KERN REID, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Sujatha Kailas moved, seconded by Martha Vukelich-Austin, to approve full reinstatement of license of Kern Reid, MD. Motion carried unanimously.

**DAVID TICK, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Alfred Franger moved, seconded by Sujatha Kailas, to approve full reinstatement of license of David Tick, MD. Motion carried unanimously.

**LANCE CHMURA, PA
REVIEW OF BOARD ORDER**

MOTION: Ian Munro moved, seconded by Martha Vukelich-Austin, to revoke the license of Lance Chmura, PA. Motion carried unanimously.

**STEVEN S. DUDLEY, MD
REVIEW FOR EXTENSION/COMPLIANCE**

MOTION: Sandra Osborn moved, seconded by Alfred Franger, to ask for CME that has been obtained since June 2002 and for details of appropriate office/surgery changes to prevent reoccurrence for Steven S. Dudley, MD. This documentation is due to the department within 60 days. Motion carried unanimously.

DOE CASE CLOSINGS

05 MED 395

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close case 05 MED 395 for no violation. Motion carried unanimously. Sujatha Kailas abstained.

03 MED 215

MOTION: Lief Erickson moved, seconded by Sujatha Kailas, to close case 03 MED 215 for insufficient evidence. Motion carried unanimously.

05 MED 427, 428 AND 443

MOTION: Sujatha Kailas moved, seconded by Daniel Miota, to close cases 05 MED 427, 428 and 443 for prosecutorial discretion (P7). Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Lief Erickson moved, seconded by Sujatha Kailas, to ratify all licenses. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Alfred Franger moved, seconded by Sandra Osborn, to reaffirm all motions made during closed session. Motion carried unanimously.

EXAM SCORES

MOTION: Lief Erickson moved, seconded by Sujatha Kailas, to accept the exam scores as of today's date. Motion carried unanimously.

ADJOURNMENT

MOTION: Alfred Franger moved, seconded by Sandra Osborn, to adjourn the meeting at 11:39 p.m. Motion carried unanimously.